

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
No. 1:19-cv-00808-LCB-JLW

ROSETTA SWINNEY, an)
individual and legal guardian)
and next friend to)
J.S., a minor,)
Plaintiff,)
v.)
FRONTIER AIRLINES, INC., et)
al.,)
Defendants.)

AMENDED MOTION TO SEAL
PETITION FOR APPROVAL OF
THE SETTLEMENT OF
THE MINOR PLAINTIFF'S
CLAIM AND ORDER APPROVING
THE SETTLEMENT OF
THE MINOR PLAINTIFF'S
CLAIM

NOW COME Plaintiff, by and through her undersigned counsel of record, hereby respectfully move this Honorable Court for an order to seal the parties joint petition for approval of the settlement of the minor plaintiff's claim and an order sealing the settlement agreement of the minor plaintiff's claim. In support of this Motion, the Plaintiff show the Court the following:

1. This action arises out of an incident that occurred on April 20, 2019, in Las Vegas, Nevada.
2. Plaintiff and J.S. alleged that they suffered and continue suffer severe mental anguish, emotional distress and physical injuries due to

Defendants deliberate and malicious acts that occurred on April 20, 2019, toward the Plaintiff and J.S.

3. Defendants have denied all liability.
4. The parties agreed to a settlement, subject to court approval, on January 24, 2022, the terms of the settlement are reflected in the Settlement Agreement.
5. Pursuant to North Carolina General Statutes § 35A-1227, settlement proceeds to which the minor is entitled shall be paid to the Clerk of Superior Court for Durham County, where the minor is domiciled, as provided in G.S. 7A-111.
6. All parties consent to the entry of an order without requiring the parties to appear in open court for a hearing.

Augment and Citation

Minors, because they are legally incompetent to transact business or give consent for most purposes, need responsible, accountable adults to handle property or benefits to which they are or become entitled. N.C. Gen. Stat. § 35A-1201(a)(6). Moreover, where minors are entitled to receive damages

pursuant to the settlement of an action, such settlement must be approved by the Court, even though the minors are not parties to the action. See N.C. Gen. Stat. § 28A-13-3(23). The Plaintiff Rosetta Swinney, as guardian ad litem and natural legal guardian of the minor child, has bound the minor child herein in the same manner as if such minor had consented to the settlement as an adult. Traditionally, the District Courts in North Carolina have approved motions to approve settlement and the parties' settlement and release agreement under seal. See 1:17-cv-00264-MR-DLH (W.D.N.C. Jul. 27, 2018); 1:13-CV-232-MR-DLH.

WHEREFORE, The Plaintiff respectfully requests that the Court enter an order approving the settlement of this action as reflected on the settlement documents tendered to the Court and which approves all disbursements reflected therein, including the attorney's fees, reimbursement of expenses, and division of settlement proceeds between the minor Plaintiff and the structured settlement under seal.

DATE: April 27, 2022

/s/Harry M. Daniels
Harry M. Daniels
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DATE: April 27, 2022

/s/ Harry M. Daniels
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